

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>JOSIAH CAYENNE,</b>	:	Civil No. 3:23-cv-1543
	:	
<b>Plaintiff,</b>	:	<b>(Magistrate Judge Carlson)</b>
	:	
<b>Vs.</b>	:	
	:	
<b>TOBYHANNA TOWNSHIP, et al.,</b>	:	
	:	
<b>Defendants</b>	:	

**MEMORANDUM AND ORDER**

The background of this order is as follows:

The plaintiff commenced this action by a complaint. (Doc. 1.) In the face of a motion to dismiss that complaint, he plaintiff then filed a motion to amend this complaint, (Doc. 16), which we granted since the plaintiff is allowed under Rule 15 to amend his complaint once as a matter of course.

The defendants then filed a series of motions to dismiss this amended complaint. This has led the plaintiff to file a second, and contested, motion to amend his complaint. (Doc. 31). While the motion is accompanied by a proposed amended complaint, the motion and proposed amended complaint, do not fully comply with Local Rule 15.1 which provides as follows:

## **LR 15.1 Amended Pleadings.**

### **(a) Proposed amendment to accompany the motion.**

When a party files a motion requesting leave to file an amended pleading, the proposed amended pleading must be retyped or reprinted so that it will be complete in itself including exhibits and shall be filed on paper as a separate document or, in the Electronic Filing System, as an attachment to the motion. If the motion is granted, the clerk shall forthwith file the amended pleading. Unless otherwise ordered, an amended pleading that does not add a new defendant shall be deemed to have been served for the purpose of determining the time for response under Fed. R. Civ. P. 15(a), on the date the court grants leave for its filing. A party granted leave to amend its pleading, when the amended pleading would add a new defendant, shall file and effect service of the amended pleading within thirty (30) days after the date of the Order granting leave for its filing.

### **(b) Highlighting of amendments.**

*The party filing the motion requesting leave to file an amended pleading shall provide: (1) the proposed amended pleading as set forth in subsection (a) of this rule, and (2) a copy of the original pleading in which stricken material has been lined through and any new material has been inserted and underlined or set forth in bold-faced type.*

Local Rule 15.1. (emphasis added).

Since the motion to amend does not fully comply with Local Rule 15.1, by providing us with an annotated copy of the prior amended complaint identifying additions and deletions, something which would greatly facilitate the resolution of this motion, IT IS ORDERED as follows:

1. The plaintiff's second motion to amend, (Doc. 31), is DENIED without

prejudice.

2. The plaintiff is directed to prepare a comprehensive proposed amended complaint, and submit this proposed amended complaint, along with a motion to amend in the form called for by Local Rule 15.1, and a brief in support of this motion, on or before, **June 17, 2024.**

SO ORDERED, this 3d day of June 2024.

*/s/ Martin C. Carlson*

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Martin C. Carlson

United States Magistrate Judge